

**REMARKS**

Reconsideration of the application is respectfully requested.

Claims 1, 2, 8, 9, 11, 12, 14-16, 22-24, 28 and 31-34 are in the application. Claims 3-7, 10, 13, 17-21, 25-27, and 29-30 are presently withdrawn in view of a previous election. Through this amendment, claims 1 and 15 have been amended.

In the Official Action, the Examiner rejected claims 1, 2, 8, 9, 11, 12, 14-16, 22-24, 28, and 31-34 under 35 U.S.C. §102(b) as being allegedly anticipated by Adams (U.S. Patent No. 2,585,527).

Adams is directed to a slitted resilient closure for containers. As indicated at col. 1, ll. 1-3, the container is for "pastes, liquids, powders, and like materials [which] are to be dispensed." In all of the embodiments, a closure is shown which includes an incision 15. The incision 15 is openable to allow for product flow. (Col. 3, ll. 29-36; Figs. 1 and 7). There is absolutely no disclosure or suggestion in Adams of the use of a medical syringe.

Claims 1 and 15, the only pending independent claims in the application, have been amended to indicate that "said tip cap seals the medicament within the syringe when said tip cap is releasably received in said shaft of said tip cap." In contrast, Adams discloses a closure which includes an incision which is opened to allow for dispensing of a product. Accordingly, the Adams closure is not sealed -- rather, it is intentionally and, by design, openable to allow product

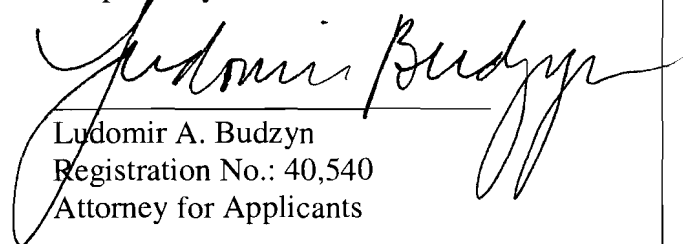
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to flow from the container. Moreover, there is no manner by which the closure can be sealed, since an opening is required to permit dispensing from the associated container.

As additional bases of patentability, claims 33 and 34, which respectively depend from claims 1 and 15, indicate that the "syringe is a medical syringe". As indicated above, there is no disclosure or suggestion in Adams of using a medical syringe. Rather, Adams discloses a collapsible tube, similar to a toothpaste tube. (See, col. 2, ll. 21-22). It is respectfully submitted that claims 1, 2, 8, 9, 11, 12, 14-16, 22-24, 28 and 31-34 are patentable over Adams.

Favorable action is earnestly solicited. If there are any questions, or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,

  
Ludomir A. Budzyn  
Registration No.: 40,540  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700